



ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed October 29, 2009


United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:
Tim James Lynch
and
Kathy Elaine Lynch
DEBTORS

§
§
§ CASE NO. 09-70281-HDH-13
§
§
§

ORDER ALLOWING SALE
OF SECURED PROPERTY FREE AND CLEAR OF LIENS

CAME ON TO BE HEARD/CONSIDERED the Motion of the above-named Debtors to sell Secured Property Free and Clear of Liens. Having reviewed the pleadings and/or heard arguments of Counsel, if any, the Court finds the following:

1. The above-described Motion was served on all parties-in-interest by first-class mail on October 8, 2009.
2. No response to such Motion was timely filed with the Court's Clerk.
3. The property to be sold is a house, further described as 2592 Vaughn Rd, Burk Burnett, Wichita County, Texas, and is security for a debt to Wells Fargo Home Mortgage ;
4. The terms of sale are acceptable to the Court;
5. Proceeds of sale are required to satisfy the properly perfected lien of Wells Fargo Home Mortgage.
6. Wells Fargo Home Mortgage's lien shall attach to the proceeds of sale, pending payment by the

closing agent.

7. All costs of sale scheduled to be paid by seller, as well as any prorated taxes due and owing at the time of sale, shall be satisfied from the proceeds of sale. Therefore, Debtor(s) is hereby authorized to pay expenses of sale as required in the parties' agreement and/or Contract for Sale.
8. The closing agent shall provide the Trustee herein, Mr. Walter O'Cheskey, with a copy of the closing statement.
9. Any surplus proceeds of sale are exempt property pursuant to Texas Property Code Sec. 41.001(c). As such, Debtor may re-invest the exempt proceeds in another homestead within six-months of sale or apply the proceeds to the confirmed Chapter 13 Bankruptcy plan.
10. The closing agent is authorized to pay attorney fees of \$400.00 to Monte J. White & Associates, P.C. at the time of closing for the preparation and filing of the Motion to Sell Property.

IT IS SO ORDERED, ADJUDGED AND DECREED.

END OF ORDER # #

PREPARED BY:

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